

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

2010 JAN 21 AM 11:41

DERRICK WARREN,

Plaintiff,

v.

DOUGLAS POLICE DEPARTMENT,  
CHIEF CLIFFORD THOMAS, RODGER  
GODDARD, JOHN SHEALY, and PAT  
DOHERTY,

Defendants.

CASE NO. CV508-026

O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 41), to which objections<sup>1</sup> have been filed (Doc. 45). After a careful de novo review, the Court concurs with the Magistrate Judge's Report and Recommendation. Therefore, the Report and Recommendation is **ADOPTED** as the

<sup>1</sup> Plaintiff makes no specific objections, but simply asks the Court to ignore the Report and Recommendation. (Doc. 45.) However, the Report and Recommendation was not generally objectionable. At summary judgment the Court takes all the evidence as a whole and draws all inferences in the light most favorable to the non-moving party. Burger King Corp. v. E-Z Eating, 41 Corp., 572 F.3d 1306, 1312-13 (11th Cir. 2009). However, once the Defendant has provided evidence establishing the lack of a material issue of fact, the Plaintiff must offer competent evidence rebutting that showing. Id. at 1313. In the absence of such evidence, the Court can rely on the undisputed facts put forth by the Defendant. See id. Here, the Magistrate Judge was correct to rely on Defendant's evidence because it was not rebutted by competent proof; Plaintiff's statement of material facts was neither a sworn statement, nor did it rely on other evidence to establish the allegations contained within it. (See Docs. 28, 32.)

Opinion of this Court. Accordingly, this case is **DISMISSED**.

The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 21<sup>st</sup> day of January, 2010.



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WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA